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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
the Commission's Forfeiture Policy) CI Docket No. 95-6
Statement and Amendment of)
Section 1.8 of the Rules to)
Incorporate the Forfeiture Guidelines)

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REPLY COMMENTS OF SOUTHWESTERN BELL TELEPHONE COMPANY

Southwestern Bell Telephone Company (SWBT), by its attorneys and pursuant to Section 1.1415¹ of the Federal Communications Commission's (Commission) Rules, respectfully submits its Reply Comments in the above-captioned proceeding.

In its Comments, SWBT stated that it strenuously objected to the fundamental substantive defect in the Commission's proposed forfeiture guidelines, i.e. that the guidelines would result in grossly disparate and discriminatory treatment of similarly situated "offenders."² In its Comments, SWBT noted that United States Court of Appeals questioned the reasonableness of this disparate treatment when it set aside the forfeiture standards last year.³ Numerous parties' Comments filed in this proceeding⁴ support SWBT's position that the Commission has no reasonable basis

¹ 47 C.F.R. 1.1415.

² Comments of Southwestern Bell Telephone Company at p. 2.

³ See United States Telephone Association v. Federal Communications Commission, 28 F.3d 1232, 1233 (D.C. Cir. 1994) (USTA).

⁴ See, e.g., Comments of Mobile Phone of Texas, Inc. at p. 18; Comments of USTA at pp. 2-5; Comments of Bell Atlantic at pp 3-4; Comments of Emery Telephone at pp. 18-23; and Comments of Harrisonville Telephone Company at pp. 18-23.

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for the disparate treatment it has proposed. The Commission must recognize that regulatory parity, not discrimination based on outdated classifications, is essential in the face of rapidly converging industries such as cable and telephony. It is the conduct of an alleged violator, not the violator's classification, upon which the amount of a forfeiture should be based.

Respectfully submitted,

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April 17, 1995

CERTIFICATE OF SERVICE

I, Liz Jensen, hereby certify that the foregoing
Reply Comments of Southwestern Bell Telephone Company in CI
Docket 95-6, have been served this 17th day of April, 1995
to the Parties of Record.

Liz Jensen
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April 17, 1995

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